UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,606	08/25/2003	Richard Harvey	063170.6701	4231

5073   7590   09/05/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
09/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/648,606	HARVEY ET AL.
Office Action Summary	Examiner	Art Unit	
	Alicia M. Lewis	2164	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 August 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *6/30/2008 and 8/25/2008*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to the Request for Continued Examination (RCE)
filed August 19, 2008. Claims 1, 7 and 8 are currently amended. Claims 1-10 remain
pending in this application.

Information Disclosure Statement

1.   The information disclosure statements (IDS) submitted on June 30, 2008 and
August 25, 2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the
information disclosure statements are being considered by the examiner.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: the word "to" is
missing (after the word operable) in line 3 of the claim. Appropriate correction is
required.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is
directed to non-statutory subject matter. The claims represent an abstract idea,
directed solely to non-functional descriptive material. When nonfunctional descriptive
material is recorded on some computer-readable medium, in a computer or on an

electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement (See MPEP 2106.01).

Furthermore, the claims include the claim language "a processor operable to" perform some function. According to MPEP 2106 (part II, section C), this type of language suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The claim language "operable to" does not recite any code or steps for causing a computer to do anything, but instead just ensures there's no code or steps which prohibit it, and therefore does not appear to be a useful, concrete and tangible result. As such, claim 1-6 are rejected as being non-statutory.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Perkins et al. (US 2004/0204958 A1, priority date 8/30/2000) ('Perkins').

With respect to claim 8, Perkins teaches a web services system (abstract) comprising:

a registry in which businesses may register, the registry comprising a hierarchical directory (paragraphs 9 and 35), comprising:

at least one domain object (*i.e. web domain*) (paragraphs 40, 55 and 61), wherein the at least one domain object comprises a directory prefix name (paragraph 33), and the at least one domain object is a root object of the hierarchal directory (paragraph 61);

at least one user object (*i.e. cooperate user*) (paragraph 61), wherein the at least one user object identifies a user account for managing at least one business entity object (paragraph 63) arranged under the at least one user object (paragraphs 65-66), and the at least one user object is arranged under the at least one domain object (paragraph 61);

the at least one business entity object comprising at least one business name and at least one business contact (paragraphs 61 and 62), the at least one business contact comprising at least one business address (paragraphs 61 and 62).

a storage system for storing business information and accessible via the hierarchical directory (paragraph 76).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gadbois et al. (US Patent Application Publication 2004/0002955 A1) ('Gadbois') in view

of Martinez et al. (US 7,296,061 B2, filing date 11/21/2001) ('Martinez').

        With respect to claim 1, Gadbois teaches a web services directory comprising:

        a computer readable medium (paragraph 8); and

        a processor, the processor operable to execute a program of instructions

encoded on the computer-readable medium, the program of instructions comprising

(paragraphs 5 and 21):

        at least one business entity object (elements 232, 242, 252 in Figure 2,

paragraphs 28-29); and

        at least one user object, wherein the at least one business entity object is

arranged under the at least one user object (elements 222 and 224 in Figure 2,

paragraphs 27 and 28).

        Although Gadbois teaches that a repository stores access privileges (paragraph

24), he does not explicitly teach wherein the at least one user object comprises security

information defining what objects a user has access to, and wherein the at least one

user object grants access to the user based on the security information.

Martinez teaches a distributed web services network architecture (see abstract), in which he teaches wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information (column 7 lines 44-60, column 10 lines 47-52).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gadbois by the teaching of Martinez because wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information would enable secure access to network objects and resources (Martinez, column 10 lines 47-52; Gadbois, paragraph 24).

With respect to claim 2, Gadbois as modified teaches the web services directory as recited in claim 1, further comprising:

at least one business service object (Gadbois, element 243 in Figure 2, paragraph 28); and

at least one binding template object (Gadbois, element 245 in Figure 2, paragraph 28), wherein the at least one business service object is arranged under the at least one business entity object, and the at least one binding template object is arranged under the at least one business service object (Gadbois, Figure 2).

With respect to claim 3, Gadbois as modified teaches the web services directory as recited in claim 1, wherein the at least one business entity object is arranged under the at least one user object by virtue of at least one corresponding user child object (Gadbois, elements 222, 232, 242 and 252 in Figure 2, paragraphs 26-28).

With respect to claim 4, Gadbois as modified teaches the web services directory as recited in claim 1, further comprising at least one domain object, wherein the at least one user object is arranged under the at least one domain object (Gadbois, elements 170 and 210 in Figure 2, paragraph 24, paragraph 26, paragraph 27 lines 1-4).

With respect to claim 5, Gadbois as modified teaches the web services directory as recited in claim 1, further comprising apparatus adapted to implement the web services directory, and in which directory services are invoked (Gadbois, paragraphs 21-25).

With respect to claim 6, Gadbois as modified teaches the web services directory as recited in claim 5, wherein the directory services are invoked using at least one of X.500 and LDAP protocols Gadbois, (paragraph 24 lines 8-12, paragraph 26 lines 10-11).

With respect to claim 7, Gadbois teaches a web services system comprising:

a registry (paragraph 5 lines 19-25) in which businesses may register, the registry comprising a hierarchical directory including at least one business entity object (element 232 in Figure 2) and at least one user object (element 222 in Figure 2), the at least one business entity object being arranged under the at least one user object (Figure 2, paragraphs 25-28); and

a storage system for storing business information and accessible via the hierarchical directory (paragraphs 23, 24 and 26).

Although Gadbois teaches that a repository stores access privileges (paragraph 24), he does not explicitly teach wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information.

Martinez teaches a distributed web services network architecture (see abstract), in which he teaches wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information (column 7 lines 44-60, column 10 lines 47-52).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gadbois by the teaching of Martinez because wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information would enable secure access to network objects and resources (Martinez, column 10 lines 47-52; Gadbois, paragraph 24).

8.   Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Perkins et al. (US 2004/0204958 A1, priority date 8/30/2000) ('Perkins') in view of

Gadbois et al. (US Patent Application Publication 2004/0002955 A1) ('Gadbois').

        With respect to claim 9, Perkins teaches:

        at least one business service object, wherein the at least one business service

object comprises data identifying a technical service (*i.e. piano repair*), and the at least

one business service object is arranged under the at least one business entity object

(Figs. 6B and 6C, paragraphs 56-57).

        Perkins does not teach at least one binding template object, wherein the at least

one binding template object comprises data identifying a plurality of service

specifications, and the at least one binding template object is arranged under the at

least one business service object.

        Gadbois teaches a registry service (see abstract), in which he teaches:

        at least one business service object, wherein the at least one business service

object comprises data identifying a technical service, and the at least one business

service object is arranged under the at least one business entity object (Gadbois,

element 243 in Figure 2, paragraph 28); and

        at least one binding template object, wherein the at least one binding template

object comprises data identifying a plurality of service specifications, and the at least

one binding template object is arranged under the at least one business service object
(Gadbois, element 245 in Figure 2, paragraph 28).

It would have been obvious to a person having ordinary skill in the art at the time
the invention was made to have modified Elmore by the teaching of Gadbois because a
binding template object would enable an efficient means of organizing business
information, including relationships with other businesses and publishing entities
(Gadbois, paragraph 4).

With respect to claim 10, Perkins as modified teaches the web services directory
as recited in claim 9, the hierarchical directory further comprising at least one tmodel
object, wherein the at least one tmodel object comprises a keyed reference to the at
least one binding template object, and the at least one tmodel object is arranged under
the at least one user object (Gadbois, paragraphs 38-39 and 47).

Response to Arguments

9.   Applicant's arguments with respect to claims 1-10 have been considered but are
moot in view of the new ground(s) of rejection.

10.   The 35 U.S.C. 101 rejection of claims 1-6 is upheld. Applicant argues that claim
1 does impart functionality. Examiner disagrees. Claim 1 only defines the structural
organization of objects in a computer. There are no elements of the claim that cause
the program's functionality to be realized. The claim is still only directed to non-

functional descriptive material that does not impart any functionality to a computer or
system.

11.   Furthermore, Applicant contests the use of the phrase "operable to." The
language of "operable to" clearly suggest making an option to perform a functionally but
not actually having the software programmed (i.e. configured) to provide that
functionality exclusively as supported by the specification. The claim language
"configured to" indicates that at one point in time, the functionality would have occurred,
that the software was set up/ programmed to execute the steps, while "operable to"
suggest an option that it may or may not happen. Please see MPEP 2106, section II
(C), regarding language that suggests or makes optional but does not require steps to
be performed or does not limit a claim to a particular structure does not limit the scope
of a claim or claim limitation.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-
5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate
Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia M Lewis/
Examiner, Art Unit 2164
August 30, 2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164